

By: Elkins

H.B. No. 1955

A BILL TO BE ENTITLED

AN ACT

relating to the licensing of certain peace officers by the Commission on Law Enforcement Officer Standards and Education.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 1701.159, Occupations Code, is amended to read as follows:

Sec. 1701.159. [~~LIST OF~~] ACTIVE AND INACTIVE PEACE OFFICERS. (a) The commission [~~by rule~~] shall establish a list of active licensed peace officers and a list of inactive licensed peace officers who leave the employment of a law enforcement agency.

(b) A retired peace officer as defined by Section 1701.3161 continues to hold as an inactive license the license the retired officer held at the time the retired officer last served as an elected, appointed, or employed peace officer unless the license was revoked for cause under Section 1701.501.

(c) A retired peace officer who holds an inactive license may not serve as a peace officer unless the person reactivates the license as provided by Section 1701.316 or 1701.3161.

SECTION 2. Section 1701.307, Occupations Code, is amended by amending Subsection (b) and adding Subsection (c) to read as follows:

(b) The commission shall [~~may~~] issue a permanent license to a person who meets the requirements of this chapter and the rules

1 prescribed by the commission to serve as an officer [~~and may issue a~~  
2 ~~temporary or permanent license to a person to serve as a county~~  
3 ~~jailer~~].

4 (c) The commission may issue a temporary or permanent  
5 license to a person to serve as a county jailer.

6 SECTION 3. Subchapter G, Chapter 1701, Occupations Code, is  
7 amended by adding Section 1701.3161 to read as follows:

8 Sec. 1701.3161. REACTIVATION OF PEACE OFFICER LICENSE:  
9 RETIRED PEACE OFFICERS. (a) In this section, "retired peace  
10 officer" means a person who served as a peace officer in this state  
11 who:

12 (1) is not currently serving as an elected, appointed,  
13 or employed peace officer under Article 2.12, Code of Criminal  
14 Procedure, or other law;

15 (2) was eligible to retire from a law enforcement  
16 agency in this state or was ineligible to retire only as a result of  
17 an injury received in the course of the officer's employment with  
18 the law enforcement agency; and

19 (3) is eligible to receive a pension or annuity for  
20 service as a law enforcement officer in this state or is ineligible  
21 to receive a pension or annuity only because the law enforcement  
22 agency that employed the officer does not offer a pension or annuity  
23 to its employees.

24 (b) The commission shall adopt rules for the reactivation of  
25 a retired peace officer's license after a break in employment. The  
26 rules must allow a retired peace officer to reactivate the  
27 officer's license by completing the continuing education

1 requirements prescribed by Section 1701.351 and completing any  
2 other continuing education requirement imposed by law in lieu of  
3 successfully completing any examination required by the commission  
4 for reactivation.

5 (c) The commission shall waive the fee established for the  
6 reactivation of a peace officer's license for a retired peace  
7 officer who is eligible for reactivation as provided by Subsection  
8 (b).

9 SECTION 4. As soon as practicable after the effective date  
10 of this Act, the Commission on Law Enforcement Officer Standards  
11 and Education shall adopt the rules required by Section 1701.3161,  
12 Occupations Code, as added by this Act.

13 SECTION 5. This Act takes effect immediately if it receives  
14 a vote of two-thirds of all the members elected to each house, as  
15 provided by Section 39, Article III, Texas Constitution. If this  
16 Act does not receive the vote necessary for immediate effect, this  
17 Act takes effect September 1, 2007.